

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL GERHARDT,)	
)	No. 08 CV 2619
Plaintiff,)	
)	Judge Andersen.
)	
)	Magistrate Judge Cox
VILLAGE OF FLOSSMOOR, a)	
a municipal corporation,)	<u>Jury Demanded</u>
)	
Defendants.)	

MOTION FOR LEAVE TO FILE ANSWER, INSTANTER

NOW COME three of the defendants, Michael Carden, Stan Robinson and the Village of Flossmoor, a municipal corporation, by their attorneys, Richard T. Ryan and Mark F. Smolens, Ryan, Smolens & Jones, and respectfully request leave from this Honorable Court to file their answer to the plaintiff's complaint, instanter. In support thereof, defendants state the following:

1. The plaintiff, Michael Gerhardt, filed a complaint before this Court on May 7, 2008.
2. Counsel for the defendants became aware of that filing because they represented one of these defendants (the Village was the only named party defendant) in another lawsuit then-pending in the Northern District which related to the same incident at issue in the instant case, Held v. Flossmoor, 07 C 6359, and said counsel were made aware by Mr. Held's attorney that another suit had been filed.
3. Defense counsel notified the Village's self-insurance risk pool and Flossmoor's Police Chief that another suit had been filed – and said counsel were assigned by the risk pool to

represent the defendants in this litigation.

4. Unfortunately, however, signals were apparently crossed when it came time to notify defense counsel that service (or a request for a waiver of summons) had been received by the defendants in this case.

5. Defense counsel, now having been made aware that service was effected upon two of the individual defendants and the Village, have filed an appearance on behalf of these defendants along with this motion, asking leave to file an answer on behalf of these defendants, instant.

WHEREFORE, defendants Carden, Robinson, and the Village of Flossmoor respectfully request leave of this Honorable Court to appear, and answer, instant.

/s/ Mark F. Smolens

Attorney for Defendants, Michael Carden, Stan Robinson, and the village of Flossmoor, a municipal corporation

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